

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 4/22/2020**

UNITED STATES OF AMERICA,

v.

HAENA PARK,

Defendant.

No. 16-cr-473 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On April 2, Defendant Haena Park filed an emergency motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A), seeking compassionate release in light of COVID-19. On April 10, the Government represented to the Court that the Bureau of Prisons approved Ms. Park's request to be transferred to home confinement pursuant to 18 U.S.C. § 3624(c). *See* Dkt. 62. With its letter, the Government attached the BOP's official response, signed by FCI Danbury's warden, informing Ms. Park of this decision. According to defense counsel, BOP officials then represented that Ms. Park would be released on April 23, 2020, after she completed a 14-day quarantine in the facility. *See* Dkt. 64. As of today, however, the BOP has not set a release date for Ms. Park. *See* Dkt. 64.

No later than **today, April 22, at 5:00 p.m.**, the Government shall respond to Ms. Park's letter and renewed motion for compassionate release. In particular, the Government shall confirm to the Court that Ms. Park will indeed be released from FCI Danbury no later than tomorrow, April 23, 2020, as the BOP initially promised. To the extent that the BOP does not intend to release Ms. Park from custody by tomorrow, the Government shall submit an affidavit from the appropriate BOP representative at FCI Danbury explaining why it is refusing to transfer Ms. Park to home confinement, despite its April 9th decision to do so, and why the Court should not find that the BOP is acting in bad faith.

As this Court previously noted in urging the BOP to promptly resolve Ms. Park's internal request, "the confluence of factors in this case" requires immediate action. Dkt. 60. First, Ms. Park has a

documented history of respiratory issues, including asthma, and immunocompromising diseases, which, according to the CDC, puts her within the high-risk classification of those most likely to suffer serious, if not fatal, complications from COVID-19. Second, FCI Danbury, where Ms. Park is incarcerated, is suffering one of the worst outbreaks of COVID-19 within the BOP. As of today, 20 inmates and 31 staff have tested positive for COVID-19, *see* BOP, *Open COVID-19 Tested Positive Cases* (Apr. 22, 2020), <https://www.bop.gov/coronavirus/>, and, according to defense counsel, one inmate has succumbed to the virus. Even the Attorney General recognized the heightened risk to inmates at FCI Danbury. On April 3, he issued a directive, acknowledging the “significant levels of infection at . . . FCI Danbury” and directing the BOP “to move with dispatch in using home confinement, where appropriate, to move vulnerable inmates out of these institutions.” Office of the Attorney General, *Memorandum for Director of Bureau of Prisons: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19* (Apr. 3, 2020), <https://www.justice.gov/file/1266661/download>.

In light of these factors and the prior representation made to this Court by the Government and the BOP, the Court expects that Ms. Park will be transferred to home confinement by tomorrow, April 23. Any further delay in acting upon the BOP’s prior decision unnecessarily threatens the health and safety of Ms. Park.

SO ORDERED.

Dated: April 22, 2020
New York, New York



Ronnie Abrams
United States District Judge